

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,

Debtors.¹

PROMESA

Title III

No. 17 BK 3283-LTS

(Jointly Administered)

NORBERTO TOMASSINI ET AL.,

Movants,

-against-

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,

Respondents.

**Re: ECF No. 17134, 18282,
19051**

¹ The Debtors in these Title III cases, along with each Debtor's respective Title III Case number and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (the "Commonwealth") (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority ("PBA") (Bankruptcy Case No. 19 BK 5523-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as bankruptcy case numbers due to software limitations).

**DEBTORS' RESPONSE AND RESERVATION OF RIGHTS REGARDING
CERTIFICATE OF NO OBJECTION REGARDING THE URGENT
SUPPLEMENTAL MOTION REQUESTING ORDER FOR ALLOWANCE OF
ADMINISTRATIVE EXPENSE PRIORITY CLAIM AND REQUEST FOR
IMMEDIATE PAYMENT FILED BY CORRECTION OFFICERS OF
THE DEPARTMENT OF CORRECTIONS AND REHABILITATION OF
THE COMMONWEALTH OF PUERTO RICO PURSUANT TO § 503(b)(1)(A)(ii)**

To the Honorable United States District Court Judge Laura Taylor Swain:

The Commonwealth of Puerto Rico (the “Commonwealth” or the “Debtor”), by and through the Financial Oversight and Management Board for Puerto Rico (the “Oversight Board”), as the Title III representative for the Commonwealth pursuant to section 315(b) of the *Puerto Rico Oversight, Management, and Economic Stability Act* (“PROMESA”),² respectfully submits this response and reservation of rights (the “Response”) to the *Certificate of No Objection Regarding the Urgent Supplemental Motion Requesting Order for Allowance of Administrative Expense Priority Claim and Request for Immediate Payment Filed by Correction Officers of the Department of Corrections and Rehabilitation of the Commonwealth of Puerto Rico Pursuant to § 503(b)(1)(A)(ii)* [ECF No. 19051] (the “Certificate”), filed by counsel (“Counsel”) to plaintiffs in the consolidated litigations captioned *Norberto Tomassini, et als. v. Commonwealth of Puerto Rico, et al.*, Case No. A MI2003-0143 and *Ivan Ayala et als. v. Commonwealth of Puerto Rico, et al.*, Case No. A PE2005-0049 (collectively, the “Movants”). In support of the Response, the Debtors respectfully represent:

1. On September 28, 2021, Movants filed the *Urgent Supplemental Motion Requesting Order for Allowance of Administrative Expense Priority Claim and Request for Immediate Payment Filed by Correction Officers of the Department of Corrections and Rehabilitation of the Commonwealth of Puerto Rico* [ECF No. 18282] (the “Motion”). On

² PROMESA has been codified at 48 U.S.C. §§ 2101–2241.

September 30, 2021, the Court entered an order setting the deadline for the Commonwealth to respond to the Motion (the “Objection Deadline”) for October 14, 2021 at 5:00 p.m. (Atlantic Standard Time). [ECF No.18316] at 1.

2. On October 6, 2021, the Commonwealth filed the *Urgent Consented Motion for Extension of Deadlines* [ECF No. 1841], requesting the Court extend the deadline to respond to the Motion to and including November 5, 2021. Prior to filing the Motion, the Commonwealth sought and obtained Movants’ consent to requested extension. *Id.* at ¶5. On October 7, 2021, the Court entered an order extending the Objection Deadline to November 5, 2021. [ECF No. 18422] at 2.

3. Notwithstanding Movants’ consent to the extended Objection Deadline, the Certificate incorrectly states that objections to the Motion were to be filed and served no later than October 13, 2021 at 4:00 p.m.

4. Contrary to the Certificate, the Objection Deadline has not yet passed.

5. Because the Certificate is erroneous, the Court should disregard it or direct Counsel to withdraw it immediately.

6. The Commonwealth hereby reserves all rights with respect to the Motion, including its rights to object to the Motion on any basis whatsoever.

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WHEREFORE the Debtor respectfully requests the Court disregard or order the withdrawal of the Certificate and grant it such other and further relief as is just.

Dated: November 4, 2021
San Juan, Puerto Rico

Respectfully submitted,

/s/ Ehud Barak

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